

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>IN RE:</b>	§	
	§	
<b>DEEP MARINE HOLDINGS, INC., et al.</b>	§	<b>CASE NO. 09-39313-H1-11</b>
	§	<b>(Chapter 11)</b>
<b>Debtor</b>	§	<b>(Consolidated)</b>

**JOHN BITTNER, LIQUIDATING  
TRUSTEE,  
Plaintiff,**

**V.**

**NASSER KAZEMINY, NJK HOLDING  
CORP., DCC VENTURES, LLC, OTTO  
B., CANDIES, JR., OTTO B. CANDIES,  
III, OTTO CANDIES, LLC AND  
CANDIES SHIPBUILDERS,  
Defendants,**

**- and -**

**DEEP MARINE HOLDINGS, INC. AND  
DEEP MARINE TECHNOLOGIES,  
INC.,  
Nominal Defendants/Debtors**

**ADVERSARY NO. 10-3312**

**ORDER GRANTING MOTION OF DEFENDANTS TO DISMISS COMPLAINT  
AND/OR STRIKE PLEADINGS AS SANCTION FOR VIOLATION OF FED. R.  
BANKR. P. 9011 AND REGARDING IMPOSITION OF MONETARY SANCTIONS**

At Houston, Texas, came on for consideration the Motion of Defendants to Dismiss Complaint and/or Strike Pleadings for Violation of Fed. R. Bankr. P. 9011 and for Imposition of Monetary Sanctions (the “Motion”), filed by the Defendants herein; and the Court, having considered the pleadings, the evidence and the argument of counsel, finds that the Plaintiff failed to conduct reasonable factual investigation of the facts underlying its allegations in the

Complaint herein, and that the factual shortcomings of the Complaint cannot be cured by amendment; accordingly it is:

ORDERED that the Complaint herein is dismissed with prejudice to refilling; and it is further

ORDERED that a hearing will be held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, in "Courtroom No. 400, Fourth Floor, U.S. Courthouse, 515 Rusk, Houston, Texas, to consider the imposition of monetary sanctions against the Plaintiff and/or its counsel pursuant to Fed. R. Civ. P. 9011 and/or 28 U.S.C. § 1927.

DATED: \_\_\_\_\_

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UNITED STATES BANKRUPTCY JUDGE